

MAY 12 2009

JOHN F. CORCORAN, CLERK  
BY:  
*J. G. Wilson*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

UNITED STATES OF AMERICA )      Criminal Case No. 5:05cr00007-8  
                                )  
v.                             )      2255 FINAL ORDER  
                                )  
                                )      By: Samuel G. Wilson  
JOSE MANUEL ZALDIVAR-FUENTES )      United States District Judge

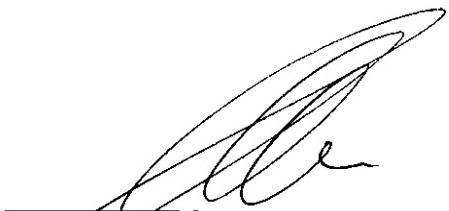
For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED and ADJUDGED**

that Zaldivar-Fuentes's motion (Docket #276) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 and the Clerk is directed to file the motion as such; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 12<sup>th</sup>/1 day of May, 2009.

  
United States District Judge